

July 2009
to
June 2010

Annual Report





ALBERTA LAW REFORM INSTITUTE
EDMONTON, ALBERTA

ANNUAL REPORT

July 2009 to June 2010

ISSN 0229-6276
ISBN 10896078-54-0



What is ALRI?

Dedicated to Advancing Just and Effective Laws Through Independent Legal Research, Consultation and Analysis

The Institute of Law Research and Reform was established in 1968 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta. The new name “**Alberta Law Reform Institute**” (ALRI) was adopted in 1989.

Funding for the Institute comes primarily from the Department of Justice and the Alberta Law Foundation. The University provides the Institute with office premises and many additional services, including a cash grant.

The objectives of the Institute set out in the Founding Agreement are as follows:

RESEARCH

- To conduct and direct research into law and the administration of justice

RECOMMEND

- To consider matters of law reform with a view to proposing to the appropriate authority the means by which the law may be made more useful and effective

PROMOTE

- To promote law research and reform

COOPERATE

- For the purposes described above, to work in cooperation with the Faculty of Law of the University of Alberta, the Faculty of Law of the University of Calgary, and with others



Who We Are

Board:

Dr. C.G. Amrhein	<i>January 2005 to present</i>
Professor N.D. Banks	<i>June 2008 to present</i>
A.S. de Villars, QC	<i>February 1997 to present</i>
J.T. Eamon, QC	<i>February 2010 to present</i>
Hon. Judge N.A. Flatters	<i>September 1993 to present</i>
Hon. Judge C.D. Gardner	<i>November 2009 to present</i>
W.H. Hurlburt, QC	<i>November 1967 to present</i>
H.J.L. Irwin, QC	<i>June 1986 to August 2009</i>
A.L. Kirker	<i>January 2010 to present</i>
P.J.M. Lown, QC	<i>April 1988 to present</i>
Hon. Justice A.D. Macleod	<i>September 1999 to present</i>
J.S. Peacock, QC, Chair	<i>April 2006 to present</i>
Hon. Justice B.L. Rawlins	<i>June 1986 to present</i>
Professor and Vice-Dean W.N. Renke	<i>May 2002 to May 2010</i>
N.D. Steed, QC	<i>June 2007 to present</i>
D.R. Stollery, QC	<i>November 2001 to present</i>
Hon. Justice N.C. Wittmann, CJ	<i>February 1995 to Dec. 2009</i>

Legal Staff:

P.J.M. Lown, QC, Director
S. Petersson, Research Manager
D.W. Hathaway
C. Hunter Loewen
M.E. Lavelle
D. Molzan (*on secondment from Alberta Justice*)
E.C. Robertson
G. Tremblay-McCaig
W.H. Hurlburt, QC, Consultant

Administrator:

C. Burgess

Support Staff:

I. Hobin

J. Koziar

M. Welton

Research Assistants:

P. Bowering

A. Choles

K. Conner

J. Gamez

K. Streeper

The Institute's office is located at:

402 Law Centre
University of Alberta
Edmonton AB
CANADA T6G 2H5

Telephone: (780) 492-5291

Fax: (780) 492-1790

Internet Address: reform@alri.ualberta.ca

Website: <http://www.law.ualberta.ca/alri>

What We Do.....	1
Program	1
Project Selection Criteria	1
We Need You.....	1
Projects – From Suggested Topic to Approved Project.....	2
A Collaborative Approach	2
Regular Progress Reporting	3
A Consistent Format	3
Implementation Objectives	3
Categories of Publications	3
Post Report Activity.....	5
Year in Review	7
Succession Project	10
Other Projects.....	11
Matrimonial Property	11
Assisted Reproduction.....	12
Joint Ventures.....	12
Personnel.....	13
Board Changes	14
Founding Agreement	17
Acknowledgments	17
Conclusion	18
This Year's Publications.....	21
Criminal Jury Trials: Challenge for Cause Procedures, Report on Consultation Memorandum 12.20	21
Final Report No. 96, Creation of Wills	21
Final Report No. 97, Contracts for the Sale and Purchase of Land: Purchasers' Remedies	22

Current Projects	23
Administrative Procedures.....	23
Assisted Human Reproduction.....	23
Conflict of Laws in Succession	24
Contracts for the Sale and Purchase of Land	24
Estate Administration	25
Joint Ventures.....	25
Matrimonial Property Act.....	25
Multi-Jurisdictional Class Proceedings	26
Project Selection.....	26
Rules Project.....	27
Statutory Review Mechanisms for Administrative	
Adjudicative Decisions.....	28
Succession Project – Wills	28
Surveys Act	30
Past and Future	31
List of Publications.....	35
Final Reports	35
Reports for Discussion	47
Issues Papers.....	49
Discussion Papers.....	50
Research Papers	51
Consultation Memoranda	53
Consultation Memoranda – Rules Project Series	54
Practice Manuals	56
Other Publications.....	57
Available on Our Website	58

What We Do

Program

The Institute's program is the delivery of law reform proposals. It does so by specific projects.

Project Selection Criteria

The rationale for the choice of projects includes a number of component principles:

- each project must meet a perceived community need by providing a remedy for a deficiency in the law or in the administration of justice.
- a project must be one that neither the political process nor the administrative process is likely to deal with effectively.
- each project must be one that falls within the capability of the Institute, as a group of lawyers acting with the best available advice from segments of the public and from law and other disciplines.
- the total program must make contributions both to technical areas of law and to areas of law involving social policy.

We Need You

Law reform must be an interactive process. We consult closely and continuously with our intended audience, initially to identify appropriate projects, and later to obtain feedback on issues and proposals. The quality of our product is directly related to our ability to recognize the needs of our audience, and to provide a sensitive response to them.

Projects – From Suggested Topic to Approved Project

Through various sources, potential topics for research and law reform are brought to the attention of the Director. The Director and Counsel review and categorize the topics and Counsel identifies the critical research issues. Topic descriptions are prepared and presented to the Board for information and comment. The four general phases are:

1. Gather suggestions

- Thumbnail sketch of topic

2. Gauge interest of community and urgency of topic

3. Business Plan for Topic

- Resources
- Time
- Completion

4. Board Approval of Project

Once the project is approved and assigned, a number of features take on significance.

A Collaborative Approach

A project is a collaboration that requires the ALRI Board, the Project Management Committee, the Project Advisory Committee, Counsel and Administrative staff to develop and manage the project cohesively. The Project Management Committee is chaired by a Board member with a second Board member appointed to the committee. The Director assigns Lead Counsel and Co-Counsel. The Project Advisory Committee is

established and populated with lawyers, representatives of interested organizations and members of the public.

Regular Progress Reporting

Progress reports are reviewed by the Project Management Committee, the Director and other interested parties on a regular basis. At critical stages the reporting frequency may be increased. Progress reports must provide the Project Management Committee with a working understanding of the overall plan and the progress made toward the plan.

A Consistent Format

ALRI has a preferred method of presentation for its publications and for materials prepared for Board meetings by Counsel.

Implementation Objectives

Identification of potential implementation objectives begins at the Feasibility Study phase. These objectives continue to take shape as a result of discussion amongst the Project Advisory Committee members regarding the project/research issues. Planning for achievement of these objectives usually commences not later than the final third of the Project phase.

Categories of Publications

While we tend to use different types of reports at different stages, the format is not rigid. Normally research papers merely share the results of our work. For example, our report on Recognition of Rights and Obligations in Same Sex Relationships was intended primarily to inform the ongoing

debate. On the other hand, our report on Referees reviewed the history and proposed a practical change which was later implemented.

Normally our reports for discussion or consultation memoranda provide all the necessary background information for the reader to provide an informed response. Occasionally we will either update or replicate that information in a final report so as to make the recommendations a more coherent whole. For example, our Final Report on Surrogate Rules was fairly brief because it was complemented by the Practice Manual which we prepared with the Legal Education Society of Alberta. Our report on Family Law was a companion piece to the new Family Law Act of Alberta. Our reports on Arbitration, Limitations, and Trustee Investment Powers are much fuller, and the annotated versions of the draft statute have proven very useful in the implementation process and in the education process for the Bar once the legislation has been passed.

Finally, it is important to note the volume of reports which are now housed on our website, <<http://www.law.ualberta.ca/alri>>, which provides a single entry point to the compendium of ALRI publications.

The five main types of documents produced by the Alberta Law Reform Institute are:

Research Paper	• Shared Data and Research • Early Release
Issues Paper	• Develops Policy Issues • Outlines Possible Solutions • Seeks Comment and Consultation
Consultation Memorandum	• Focussed Policy Issues • Identified and Discrete Audience • Seeks Comments Prior to Final Proposals
Reports for Discussion	• Issues and Background • Proposed Solutions • Seeks Comment Before Proceeding
Final Report	• Considered Position • Draft Legislation • Submission for Action

Post Report Activity

Our work does not end with the final report. Significant post-report activity is involved in:

- explanations to “client” departments,
- response to legislative and drafting requests
- assistance to implementation groups
- presentation to legal profession

While reports are under consideration, we carry out a monitoring role to ensure that recommendations are kept up to date and other developments are taken into account.



Year in Review

This year's theme is the overlap and transition between two major projects, the Rules of Court Project and the Succession Project.

While we delivered our final report on trial rules in October of 2008, that was only a partial conclusion of the project. We were requested by the Minister of Justice to enter into discussions with the Rules of Court Committee with respect to three items: management of litigation, appeals from Masters, and the dropdead rule. After further research, numerous discussions and meetings, ALRI and the RCC were able to put forward to the Minister a joint proposal with respect to modification of the previous draft. Those modifications were then drafted for inclusion in the rules as a whole, and the rules were reviewed to ensure that the previous integrated whole was retained after the modifications. These were sensitive and respectful discussions and negotiations, and the resulting changes are nevertheless faithful to the objectives and organization of the rules as a whole.

On July 14, 2010, an Order-in-Council was passed setting out the content of the trial rules and setting a date for their implementation effective November 1, 2010. On that date, the work of the last several years, of well over 100 participants, will come to fruition.

There are two remaining items with respect to the Rules Project, civil appeals and criminal appeals. Civil appeals were somewhat delayed by the priority which was attached to the completion of the trial rules. The early work of the working

group was converted into drafting instructions ready for the commencement of the drafting process. Between December of 2008 and the middle of 2009, four sequential drafts were prepared implementing the instructions, developing a framework for the rules and developing a complementary structure between the appeal and trial rules.

In the latter part of 2009, the structure was further refined, technical rules regarding content and format of appeal documents were added. Between drafts 4 and 6, the structure was refined to build patterns and consistency throughout the rules, streamline and simplify the rules where possible and ensure consistency between trial and appeal provisions. Draft 7 in early 2010 was checked for possible errors, ensured that all key concepts had been included and was readied for review by the Institute Board. By the end of summer 2010, draft 8 was prepared including suggestions for improvement made by the Institute Board and the Institute civil appeal rules subcommittee.

We expect to be able to provide draft 8, along with explanatory material, for review by a Court of Appeal Committee chaired by Justice O'Brien. It is anticipated that further discussions will take place so as to prepare a final set of civil appeal rules, and to suggest a date for their implementation.

The second remaining item relates to criminal appeals. In our consultation, we were told that the current matrix of rules and criminal code provisions creates a very complex and difficult to understand process. The first task, now completed, was to review all methods of appeal to the various courts. Hundreds of hours of work are now reduced to a simple chart form setting out the pathway of the various appeals. That alone is

a very significant achievement. The working group then had to attempt to create a unitary core process for all appeals – timelines, necessary documentation, party responsibilities and court assistance. The consultation memorandum includes a number of suggestions that refine existing processes and attempt to optimize the overall scheme. The consultation memorandum is now being refined to ensure that we reap the maximum consultation benefit from its distribution.

As follow-up to the publication of our final report, we have also been able to provide assistance to the Legal Education Society of Alberta as program offerings and modules and content have been prepared. We have also worked with Court Services as Legislative Counsel began its independent process of re-drafting the final proposals which ALRI had published.

ALRI personnel provided significant assistance to regional bar associations, interest groups and CBA sections to orient and explain the new rules. ALRI will also assist the Court of Queen's Bench of Alberta in its orientation for judges in mid October.

While all this work was proceeding, the formal passage of the Order-in-Council on July 14 was a welcome confirmation and validation of the work.

The last part of preparation for the rules was the creation of a comprehensive index. ALRI retained a professional indexer and worked with her to help create and then revise the final version, which has now been provided and will accompany the Queen's Printer version of the new rules.

Succession Project

The second major project which overlapped with trial rules was our Succession Project. In September 2009, ALRI published Final Report No. 96, the *Creation of Wills*. The second phase to this report relates to the areas of revocation, alteration, and the effect of changed circumstances on beneficiaries and property. Along with our previous reports on intestacy, matrimonial property, matrimonial home and survivorship, these reports will provide the basis for a comprehensive revision of the *Wills Act*.

Our final report on revocation, alteration and changed circumstances will not in fact be formally published until the end of September 2010. However, we have been working very closely with the Department of Justice since the legislative calendar for revision to the *Wills Act* required fairly rapid creation of new legislation. While the timeframe has created some pressure, and slightly different processes from normal, the cooperation with the Department has been significant. In the process of that cooperation we have had to be aware of and respect the different mandates of the Department and the Institute, and we have been very careful to respect confidences and processes. Doing so avoided duplication of effort, gave each a better understanding of policy and consultation data, and should result in a better law for all Albertans.

ALRI has now begun the next and last phase of the Succession Project, namely Estate Administration. The timeline again is tight and as a result, this project will have to be undertaken on a team basis within ALRI, and on a cooperative basis with the Department of Justice.

Other Projects

In other projects, Final Report No. 97 finalized our previous consultation on the topic of contracts for the sale and purchase of land and recommended statutory reform in order to preserve two long-standing protections for purchasers of land – the ability to get a court order to force transfer of the land if the owner backs out and the ability to register a caveat to protect the purchasers' contract. Recent court decisions said these protections operate only if the land is unique in the sense that no substitute is available for it. This now makes the protections almost impossible to obtain. After public consultation, the Alberta Law Reform Institute determined that the protections must return to being more widely available. Therefore, statutory reform is recommended to conclusively deem land to be unique for the purposes of an agreement for sale.

Two other projects were completed without the necessity for issue of a formal final report. Our work in the area of conflict issues in succession was completed through the Uniform Law Conference of Canada and Professor Gerald Robertson's report received final approval at the August meeting of the Uniform Law Conference. Our review of potential changes to the *Surveys Act*, and the particular issue of replacement of lost or misplaced monuments, will be completed by informal advice to the Department of Sustainable Resources.

Preliminary work proceeds apace in a number of areas:

Matrimonial Property

We engaged the service of Professor Jonnette Watson-Hamilton and a summer research student at the University of

Calgary, to provide a review of all of the decisions under the *Matrimonial Property Act* for the last 10 years. This detailed review, and the subsequent preparation of a database detailing the decisions, will allow the Board to determine what if any issues in this legislation require further study.

Assisted Reproduction

The Uniform Law Conference of Canada expects to produce uniform legislation dealing with all questions of parentage in cases of assisted human reproduction. There are a number of issues relating to issues of succession and these are dealt with in a chapter of our final report on changed circumstances. However, there are a number of other issues which will arise in the future and ALRI will publish a document which describes those issues and how they might develop.

Joint Ventures

ALRI has created an advisory group from industry sources to advise what issues arise with respect to the operation of joint ventures and whether any legislative amendment or provision is necessary to deal with those issues. A preliminary report will come before the ALRI Board in November of 2010 when the Board will determine whether the topic should be studied further, dropped or converted into a formal project.

In addition to our own projects, ALRI is heavily involved in two Uniform Law Conference projects, the first the creation of a *Uniform Trustee Act* which is expected to be complete by August 2011 and the second the creation of a modern *Uniform Wills Act* which is expected to be complete by August of 2012.

Personnel

We were pleased to welcome Elizabeth Robertson to our complement of legal counsel. Elizabeth will occupy a .5 FTE position and commenced work with the Institute in the spring of 2010. In the light of economic circumstances, the Board determined not to fill the additional position which we had earmarked for the Edmonton office.

We entered into our first reciprocal secondment with the Department of Justice. Sandra Petersson and Cheryl Hunter Loewen worked with the Department of Justice before and after Christmas 2009 respectively and Donna Molzan worked with the Institute from the fall of 2009 until the end of summer 2010. This arrangement was a very successful one; it was both helpful to the individuals and forms a reliable basis for further cooperative work.

ALRI has a small support and management staff which works extremely hard and achieves a great deal. Since we were unable to replace our additional support position extra strain was placed upon the existing resources. The creation and development of the Legal Research Manager position a few years ago has added an important extra dimension to Institute activities. We look forward to reaping the full benefit of the combination of Director and Legal Research Manager responsibilities once the significant amount of counsel work that has been necessary diminishes. That should enable us in the early part of 2011 to return to a review and update of our processes, the creation of a new version of our Project Management Guide and greater attention to our external relations.

Our ongoing communications strategy called for us to update and replace our existing website. After a false start, I am pleased to say that the website is now in development and should enable ALRI to be in full control of what will be the best design to accommodate active and comprehensive use. The slightly slower pace of development has clearly ensured that our resources have been wisely dedicated and the design has been closely aligned with our use and function of the website.

Board Changes

The role and operation of the Institute Board is one of the primary characteristics of the Institute. ALRI has been blessed by the quality and dedication of individuals who have served on the Board and, in particular, by the length of time for which Board members have dedicated their time and resources. The Board is made up of a statutory core of representative members appointed by the founding parties to the agreement, and by other members at large who are appointed to ensure that the Board has balance in terms of background and experience, areas of practice and subject matter expertise. The Board must work as a collegial group and the ability of Board members to listen to and respect different views and to meld them into a consensus is a hallmark of its operations.

While appreciating the continuity of long serving Board members, the Board anticipated possible changes in membership. As a result, a Board Committee prepared criteria which might assist in indicating potential Board members, and which would assist potential Board members in determining whether they wished to serve. As a result of this review and follow-up processes, the Board has identified potential members

and determined their availability and willingness to serve. In order to promote a seamless transition, the Board has provided for some overlap in membership when there is a specific date for the departure of a Board member, so that the incoming Board member can gain some preliminary experience.

The Chair of the Institute Board occupies a unique position in representing the Institute along with the Director, sitting as a member of the Management Committee and influencing the efficiency and spirit of Board meetings. Each of the Board chairs has played a significant role in the development of the Institute over its 40+ years. For the last 12 years, until December of 2009, ALRI had the distinct privilege of Chief Justice Neil Wittmann serving as its Chair. Justice Wittmann first came to the Board as the representative of the Law Society of Alberta, continued as a member at large when he was appointed to the Court of Appeal of Alberta, and continued as Chair while he was Associate Chief Justice of the Court of Queen's Bench and then for a brief time after his appointment as Chief Justice of the Court of Queen's Bench. All the Board members who worked with him understood and appreciated his depth of knowledge, his direct and frank approach and yet his deep appreciation of the views of others. In conjunction with the December Board meeting in 2009, Board and staff expressed their thanks and appreciation for Justice Wittmann's work in a very simple and sincere way, exactly as Justice Wittmann wanted it.

ALRI has been very fortunate that when one Chair has resigned, another talented and dedicated Board member has stepped to the fore. This time was no exception and the Institute Board unanimously and enthusiastically elected Mr. Jim Peacock, QC as its Board Chair. Mr. Peacock assumed that role

at the January Board meeting and we look forward to a long and fruitful association.

Mr. Peacock was the Law Society of Alberta representative on our Board. With Chief Justice Wittmann's resignation, Mr. Peacock moved to a member at large position, and the Institute welcomed as the LSA representative, Mr. James Eamon, QC. With two other impending resignations, Ms. Anne Kirker joined the Board. Both Mr. Eamon and Ms. Kirker began their membership with the February 2010 Board meeting.

September 2010 will be the last Board meeting for Judge Nancy Flatters. Judge Flatters joined the Board in 1993 when she was practicing in the area of family law and mediation, and continued her membership after her appointment to the Provincial Court of Alberta. In what we hope will be a continuing trend, Judge Flatters will continue to work with Board committees after her resignation.

On June 30, Vice Dean Wayne Renke completed his membership on the Board as the representative of the Faculty of Law at the University of Alberta. (Professor Renke will be seconded to a special University project involving international students). Professor Renke served on the Board for 8 years and made a special contribution to the parts of our Rules Project dealing with criminal procedures.

At the same time, the University of Alberta Provost named Dean Philip Bryden as his representative on the Board. Dean Bryden will do double duty by also serving as the Faculty representative until another person is appointed.

Founding Agreement

The University of Alberta, one of the Institute's founding parties, implemented a new policy with respect to centres and institutes in 2008. The Institute is housed at the University and takes advantage of various areas of support in finance, human resources and physical plant. As a result, it was agreed that the Institute should be an affiliated institute within the terms of the new policy – that is, an Institute managed by a Board on which the University has representation, but which the University does not control. It was a difficult process to work through the details of the affiliation process and to anticipate as many of the operational issues as possible. The affiliation agreement was successfully concluded in mid-2009, thus allowing the University to formally approve the founding agreement. There will still be a number of operational issues that will have to be addressed but hopefully these can be resolved within the spirit of the affiliation agreement.

Acknowledgments

ALRI exists because of a tripartite agreement between its founding parties. The vitality of these relationships is what has and continues to allow ALRI to fulfill its mission of advancing fair and effective justice.

These relationships do not exist without the effort and understanding of individuals within the organizations. At the Ministry of Justice, both the Minister, The Honourable Alison Redford, QC and the Deputy Minister, Ray Bodnarek, QC, have been available to provide helpful advice, comment and support. At the Law Society, Presidents Michalyshyn and Jerke have

ensured access to the profession and input from the governing body and advisory committees. At the University of Alberta, Dean Bryden, as the representative of the Provost, has played an important role. One of our major funders, in addition to Alberta Justice and the University, is the Alberta Law Foundation and the support and advice of the Chair, Mr. Steve Raby, QC has been particularly important.

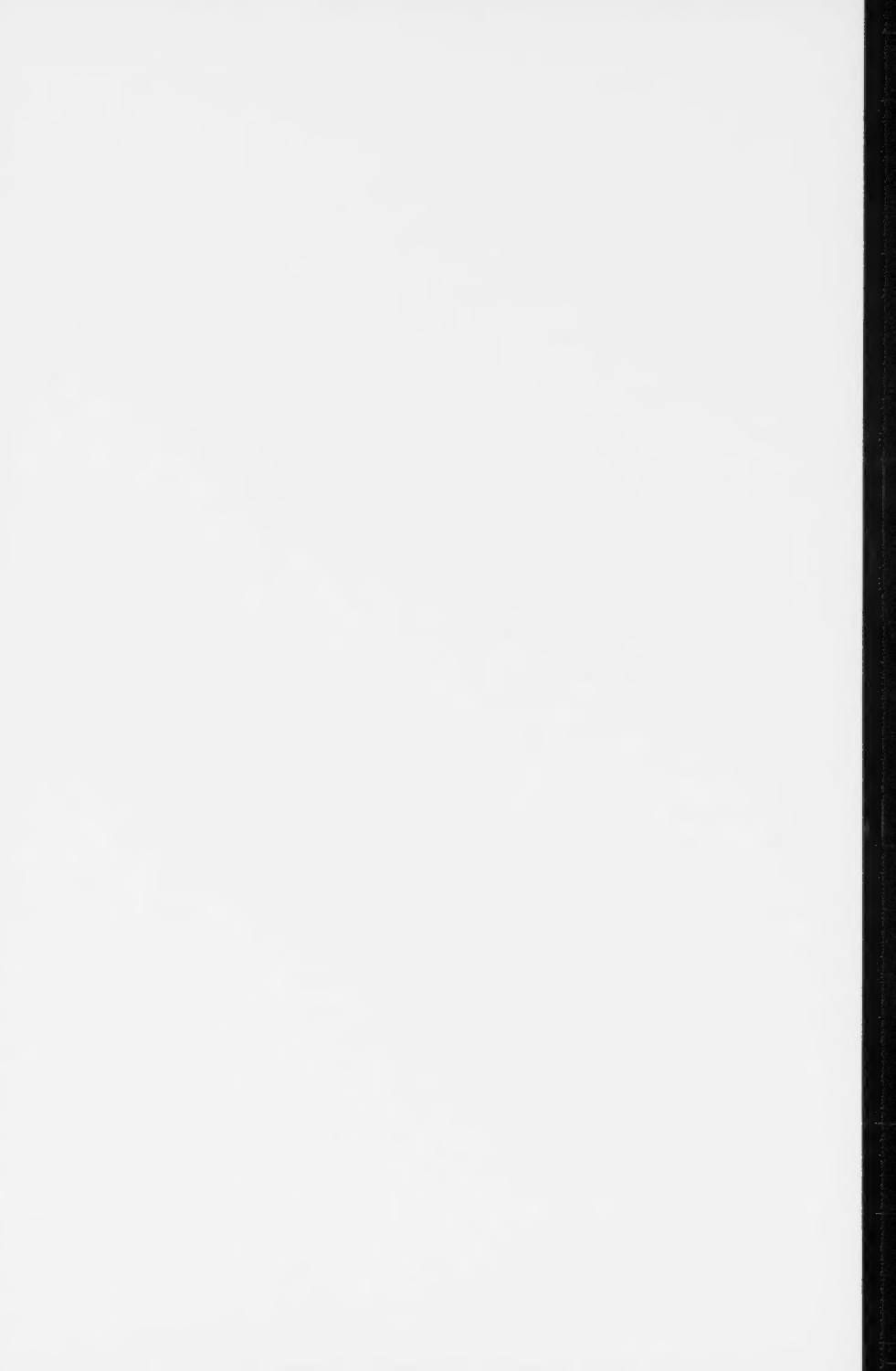
On a more operational level, the support to the Director by several individuals has been crucial, and we acknowledge the help of Don Thompson, QC, Executive Director of the Law Society; David Aucoin, Executive Director of the Alberta Law Foundation, Nolan Steed, QC, Executive Director, Legal Policy, Constitutional & Aboriginal Law and Legislative Reform, Alberta Justice; and Philip Bryden, Dean of the Faculty of Law.

Finally, ALRI's network consists of a large number of volunteer committee members and commentators. They are usually specifically acknowledged in publications relating to their projects, but we acknowledge here, globally, the immense contribution they make to ALRI's work.

Conclusion

This has been a year of challenges and achievements. We have completed two major projects of lengthy duration. We have developed a new cooperative process with the Department of Justice. We welcomed a new Board Chair and begun a new more formalized relationship with the University of Alberta. Projects have been completed within rather tight timelines and professional and administrative staff have responded extremely well. ALRI's purpose statement is to advance fair and effective

justice through independent research, consultation and analysis. This is a year in which we have demonstrated our commitment to that purpose.



This Year's Publications

During this period ALRI published and printed two final reports. In addition, one final report on a consultation memorandum was posted on our website. Following are brief summaries.

Criminal Jury Trials: Challenge for Cause Procedures, Report on Consultation Memorandum 12.20 (July 2009) (*website only*)

This final report is a precursor to what is hoped will be new criminal rules dealing with challenge for cause procedures in the context of criminal jury trials. The report represents the final policy positions of the criminal rules working committee following consideration of comments on the published report titled *Criminal Jury Trials: Challenge for Cause Procedures*, Consultation Memorandum No. 12.20.

Final Report No. 96, Creation of Wills (September 2009)

The rules for creating a will are old, technical and subject to interpretation and exceptions. Following public consultation, the Alberta Law Reform Institute made its final recommendations in this Report concerning which rules work well and which rules need change in order to work better or more fairly. This is technical law, but it affects all Albertans.

The Institute's main recommendations about the *Wills Act* include –

- a court should be able to validate a will if a person makes a reasonable but imperfect attempt to meet the requirements for creating a will
- a court should be able to validate a will for a person who is under 18 by approving the terms of a specific will
- a court should not be able to create a will for a person who has lost their mental capacity to make or change a will
- there should continue to be special rules for military wills
- where an inheritance is lost because the beneficiary was also a witness to the will, a court should be able to validate the gift if there was no improper or undue influence on the will-maker

Final Report No. 97, Contracts for the Sale and Purchase of Land: Purchasers' Remedies (October 2009)

This report deals with interests in land created or not created by a contract to purchase land. The report addresses the historical treatment of land contracts in Alberta, and recent case law changes. This report has three recommendations, firstly that a specific plot of land in a contract for purchase should always be considered unique, such that specific performance is an available remedy, second contracts for the purchase of land should confer upon the purchaser an interest in the land, and thirdly that these rights should apply not only to completed contracts, but contracts for the future, options grants, offers and agreements to grant leases.

Current Projects

Administrative Procedures

Adjudicative tribunals in Alberta occupy an important place in the justice system, but there is no single coherent (accessible and logically consistent) set of powers and procedures that govern these bodies. ALRI is revising and updating Report No. 79, *Powers and Procedures of Administrative Tribunals in Alberta* published in 1999. Consultation Memorandum No. 13 was published and distributed in September 2008. Comments received have been summarized. In general, not a lot of support was expressed by tribunals for having legislation or a mandatory code of procedures applicable to administrative tribunals.

ALRI has been in discussions with the Regulatory Secretariat, the regulatory body that oversees tribunal administration, to see if an approach that tries to bring more coherence to select powers such as disclosure or investigative powers might be more effective.

Assisted Human Reproduction

It is now possible for a child to be conceived after the death of one or both of its parents through the use of artificial reproductive technologies. The law has not kept pace with the advances in medical science. This project examines the legal position of posthumously conceived children with respect to inheritance under a will or on intestacy. In addition, the status of these children under the *Dependants Relief Act* and the *Perpetuities Act* is discussed. Should the law be changed to provide succession rights for a posthumously conceived child?

Publication of an issues paper is planned for early 2011.

Conflict of Laws in Succession

ALRI cooperated with the Uniform Law Conference of Canada to retain Professor Gerald Robertson, University of Alberta Faculty of Law, to prepare a study paper relating to various aspects of conflicts of law and succession. The paper provided background in 2009 and ultimately recommendations from a working group in 2010. Several areas relating to validity of wills, and jurisdiction in relation to wills were rationalized, as were certain issues which straddle both the areas of succession and matrimonial law.

Uniformity in these areas across Canada is somewhat patchwork, and the resolution of these issues, 12 in all, allows for the policy to be included in an updated Uniform Wills and Succession Act.

Contracts for the Sale and Purchase of Land

Final Report No. 97 finalized our previous consultation on the topic of contracts for the sale and purchase of land and recommended statutory reform in order to preserve two long-standing protections for purchasers of land – the ability to get a court order to force transfer of the land if the owner backs out and the ability to register a caveat to protect the purchasers' contract. Recent court decisions said these protections operate only if the land is unique in the sense that no substitute is available for it. This now makes the protections almost impossible to obtain. After public consultation, the Alberta Law Reform Institute determined that the protections must return to

being more widely available. Therefore, statutory reform is recommended to conclusively deem land to be unique for the purposes of an agreement for sale.

Estate Administration

The purpose of the project is to review and make recommendations for reform of the substantive law of Alberta relating to estate administration. The law of estate administration in Alberta is long overdue for review and reform. If implemented, the recommendations from this project will serve to update and simplify estate administration within a consolidated succession statute. This will benefit Albertans who take the time to plan their estates as well as Alberta families dealing with estate administration for a deceased family member or friend.

Counsel to the project are preparing consultation memoranda on various identified issues.

Joint Ventures

ALRI has created an advisory group from industry sources to advise what issues arise with respect to the operation of joint ventures and whether any legislative amendment or provision is necessary to deal with those issues. A preliminary report will come before the ALRI Board in November of 2010 when the Board will determine whether the topic should be studied further, dropped or converted into a formal project.

Matrimonial Property Act

This project involves a review of all of the decided matrimonial property cases in Alberta in the last 10 years. The

decisions will be reviewed, sorted, coded and entered into a database. The resulting data will highlight the key areas being litigated, and the key areas in which the courts encountered difficulty in effecting fair and just division of property between the spouses.

This project is a cooperative venture with the faculty of Law at the University of Calgary. It should be complete by early fall 2010, and will provide guidance as to whether any areas of the *Matrimonial Property Act* require revision.

Multi-Jurisdictional Class Proceedings

The Department of Justice initially consulted ALRI on the single issue of changing the opt-in to opt-out requirements for Alberta's class proceeding legislation. Through ALRI's involvement in the Uniform Law Conference work on this subject, a logic statement was prepared for the Department of Justice expressing the view that the identification of criteria and the requirement of notice or registration in the national database are necessary ancillary elements on the decision to move from an opt-in to an opt-out class.

ALRI will likely further assist the Department of Justice with consultations on this matter in the fall. It is anticipated that the consultations will support ALRI's views and that the matter may be available for legislative action in the fall of 2010.

Project Selection

Following a detailed priority-setting exercise in the latter part of 2009, the ALRI Board assigned its highest priority status to projects concerning statutory review mechanisms for

administrative adjudicative decisions (new), powers and procedures of administrative tribunals (current) and matrimonial property (current). Work has commenced on, and resources have been allocated to, these projects and also to a project reviewing estate administration (new).

Rules Project

In November 2008, ALRI presented the Minister of Justice with the proposed new rules of court, along with our final report on the rules project.

Since then, some refinements have been made by Legislative Counsel of Alberta Justice and in May 2010 a beta version was posted for information on the Alberta Courts website.

The new rules will come into force November 1, 2010 under Alta. Reg. 124/2010. The Rules of Court Statutes Amendment Act, SA 2009, c. 53 also comes into force November 1, 2010. This act will address amendments to other acts arising from the new rules.

Appeals Rules

ALRI is currently finalising a draft set of rules for civil appeals to the Alberta Court of Appeal. The draft rules will then be subject to review by the Rules of Court Committee and the Court of Appeal.

Criminal Rules

The Criminal Rules Working Committee met a number of times to review criminal appeal rules, practices and reform proposals. A draft consultation memorandum – *Criminal Appeal*

Procedures – was considered by the Board in late May. Work continues to complete the Board changes and prepare a final consultation document for publication in late 2010.

Statutory Review Mechanisms for Administrative Adjudicative Decisions

More than 90 boards, commissions and tribunals exist in Alberta. Many make administrative adjudicative decisions affecting the rights and interests of individuals and businesses. These decisions are subject to a variety of statutory review mechanisms which have significant procedural differences. No principled reasons account for such differences. The most common differences include:

- appeal routes (how many layers of internal review exist?)
- appeal levels (is the appeal to another administrative tribunal or to a court?)
- whether a court appeal exists or judicial review only?
- scope of appeal (general or restricted to particular grounds?)
- whether leave to appeal is necessary
- time for appeal

Would this area benefit from some streamlining and principled consistency? Currently, ALRI is in the initial stage of gathering information and building a research database.

Succession Project – Wills

The current Alberta *Wills Act* is based on the *Uniform Wills Act* originally proposed by the Uniform Law Conference of Canada. Alberta adopted the uniform model in 1960 and there has not been a systematic or comprehensive policy review of the whole statute since then. The Alberta Law Reform Institute has

undertaken such a review as part of our ongoing Succession Project. Following our previous examination of issues related to the creation of wills, ALRI will release a Final Report that reviews what is or should be the legal effect of changed circumstances on the effect of a will. All kinds of factors can change between the date a will is created and the date it takes effect on the testator's death. The testator may make some alterations to the will or perhaps revoke it or revive it after revocation. Beneficiaries may predecease the testator. Property will be disposed of and added to the estate. The testator may marry, divorce or have children who are born during the testator's lifetime or after the testator's death.

Within this theme of intervening change, ALRI also addresses two recurring reform issues which often come into play. First, what evidence can a court look at in order to determine the meaning of the will or the testator's intention? Second, what role should be played by various common law presumptions or rules of construction? Is it time to modernize these aspects, rationalize their application or displace them by statute?

In order to have our recommendations ready for the legislative window made available by Alberta Justice, ALRI modified its usual consultation process by moving to an active consultation model. On various key issues (including revocation and extrinsic evidence), ALRI sought out targeted individuals and groups with specific expertise in the area and obtained their input through round table meetings and directed questions. As always, this input greatly assisted ALRI in reaching our final recommendations.

Surveys Act

ALRI was asked by the Deputy Minister of Sustainable Resources and Development to assist in determining whether some provisions of the *Surveys Act* ought to be amended in light of modern practice and technology. After reviewing those issues, ALRI was able to advise the Deputy that the principles of the act were sound, and that no adjustment was necessary. However, a number of housekeeping amendments were identified, which could be accommodated when the legislation is next reviewed.

Past and Future

The Alberta Law Reform Institute was created on November 15, 1967 to provide a full-time body dedicated to the improvement of the law and the administration of justice in Alberta.

At that time, 1967, the tripartite arrangement between the Province, the Law Society and the University was unique. In most other Commonwealth countries statutory commissions had been or would be formed. The arrangement was particularly suited to Alberta and five-year agreements have been successively renewed. The Institute is looked to as a major contributor to law reform and has built a substantial body of work.

The endorsement of the Province, the connection to the legal community, and being able to operate in a centre of research excellence, have all been significant contributors to ALRI's work and success.

Over the course of time since 1967, four people have served as Director, essentially the chief executive officer and the chief operations officer of the Institute. These individuals are:

W.E. Bowker, QC, QC	January 1968 to September 1975
W.H. Hurlburt, QC	September 1975 to March 1986
G.R. Hammond	April 1986 to March 1988
P.J.M. Lown, QC	April 1988 to present

In addition, eight people have served as Chair of the Board of the Institute. These individuals are:

H.G. Field, QC	November 1967 to February 1971
W.H. Hurlburt, QC	February 1971 to December 1973
Hon. Justice W.A. Stevenson	January 1974 to July 1979
Hon. Justice W.E. Wilson	September 1979 to March 1986
J.W. Beames, QC	March 1986 to July 1988
A.D. Hunter, QC	March 1989 to June 1998
Hon. Justice N.C. Wittmann	July 1998 to December 2009
J.S. Peacock, QC	January 2010 to present

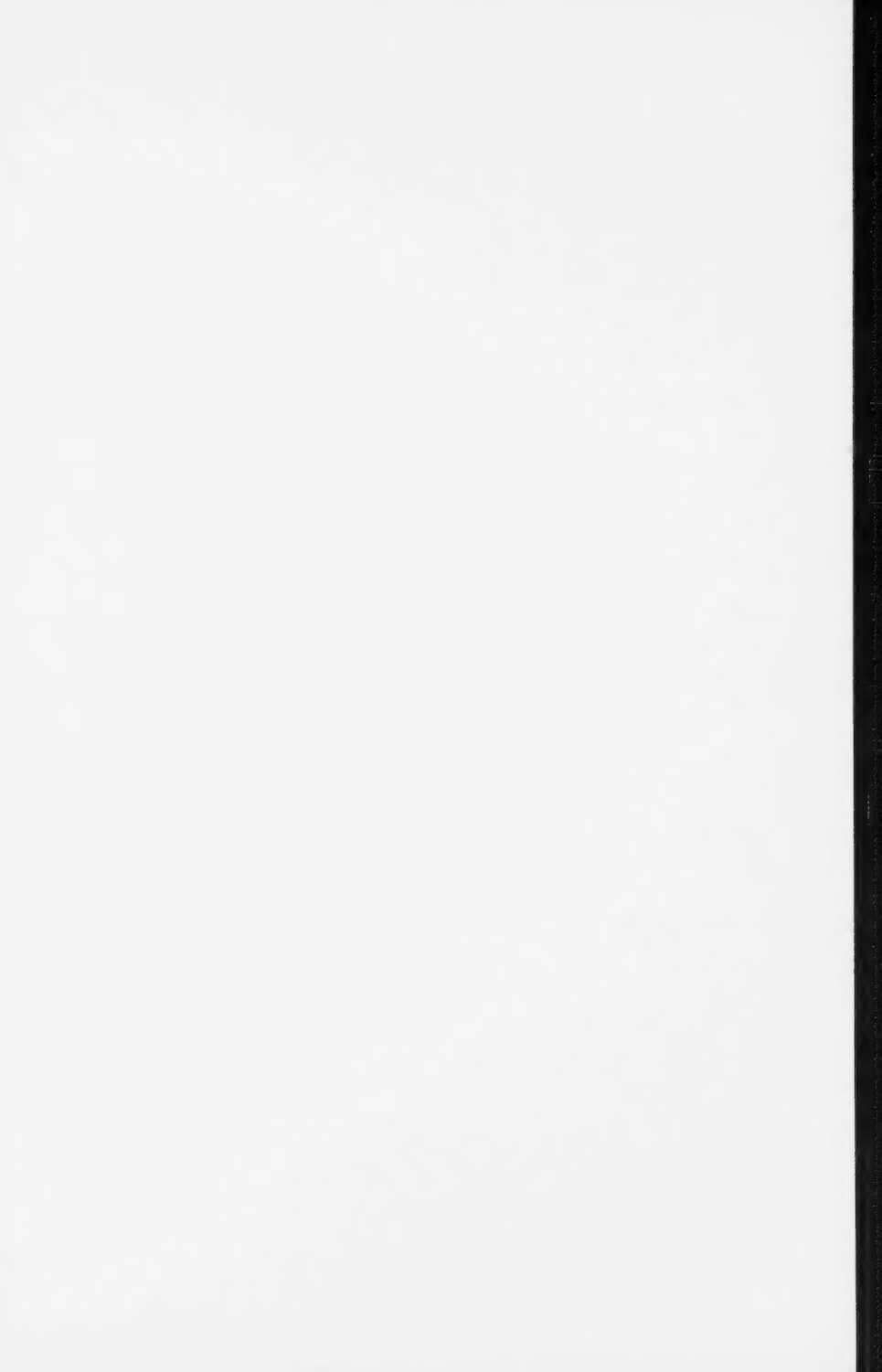
At the heart of the Institute are three crucial groups: a Board of dedicated individuals who oversee operations and engage actively in project and policy work; a talented group of counsel, who provide the engine for research and law reform proposals; and a “small but mighty” group of support staff who make the Institute run.

The record of ALRI’s activity is significant – from smaller projects such as the repeal of the *Bulk Sales Act* to comprehensive systemic changes like Enforcement of Money Judgments, Limitations or Rules of Court. As ALRI approaches its 100th final report, its implementation rate is well into the 70% – a tribute to both the relevance and quality of its work.

Much has changed in society over the course of 44 years, and the law has had to be updated accordingly. So too have the operations of ALRI – the format and distribution of publications has changed dramatically, as has the method of research and the availability of online sources.

ALRI is currently reviewing its website and the integration of online materials. It is intended that a revamped website will become a focal point in project suggestion, consultation processes and report publication. This annual report may well be the last conventional printed report distributed in this particular way.

Law reform must be an open and interactive process. We encourage you to use our website to ensure that law reform is as informed and connected as possible. To be involved you can view our website at <<http://www.law.ualberta.ca/alri>> or you can contact us at reform@alri.ualberta.ca or you can follow and make suggestions with respect to any of the projects or publications which are outlined on our website.



List of Publications

Final Reports	Enactment
1* Compensation for Victims of Crime (1968)	<i>Criminal Injuries Compensation Act</i> , SA 1969, c 22 (now <i>Victims of Crime Act</i> , RSA 2000, c V-3).
2* Powers of Personal Representatives to Grant Options (June 1969)	An Act to amend <i>The Wills Act</i> , 1960, SA 1970, c 114 (now <i>Wills Act</i> , RSA 2000, c W-12, s 30). An Act to amend <i>The Devolution of Real Property Act</i> , SA 1970, c 114 (now <i>Devolution of Real Property Act</i> , RSA 2000, c D-12, s 12).
3* Occupiers' Liability (December 1969)	<i>Occupiers' Liability Act</i> , SA 1973, c 79 (now RSA 2000, c O-4).
4* Age of Majority (January 1970)	<i>Age of Majority Act</i> , SA 1971, c 1 (now RSA 2000, c A-6).
5* <i>Guarantees Acknowledgment Act</i> , RSA 1970, c 173 (October 1970)	Principal recommendation for retention of <i>Guarantees Acknowledgment Act</i> (now RSA 2000, c G-11) accepted. Recommendations for incidental amendments not acted upon.
6* Rule Against Perpetuities (August 1971)	<i>Perpetuities Act</i> , SA 1972, c 131 (now RSA 2000, c P-5).
7* Joinder of Divorce Proceedings with other Causes of Action (August 1971)	Alberta Rules of Court, Rule 563(3), Alta. Reg. 315/71.
8* Assignment of Wages (October 1971)	<i>Wage Assignments Act</i> , SA 1972, c 61 (now <i>Fair Trading Act</i> , RSA 2000, c F-2).
9* Rule in <i>Saunders v. Vautier</i> (February 1972)	<i>The Attorney General Statutes Amendment Act</i> , 1973, SA 1973, c 13, s 12 amending the <i>Trustee Act</i> (now RSA 2000, c T-8, s 42).

Final Reports	Enactment
10* Powers of Maintenance and Advancement (June 1972)	<i>The Attorney General Statutes Amendment Act</i> , 1974 (No. 2), SA 1974, c 65, s 9 amending the <i>Trustee Act</i> (now RSA 2000, c T-8, ss 32, 34, 35, 36(3), 37).
11* Common Promisor and Promisee: Conveyances with a Common Party (October 1972)	<i>Common Parties Contracts and Conveyances Act</i> , SA 1974, c 20 (now <i>Law of Property Act</i> , RSA 2000, c L- 7, ss 10-13; <i>Land Titles Act</i> , RSA 2000, c L-4, ss 68, 69, 119).
12* Expropriation (March 1973)	<i>Expropriation Act</i> , SA 1974, c 27 (now RSA 2000, c E-13).
13* <i>Judicature Act</i> , Section 24 (August 1974)	<i>The Attorney General Statutes Amendment Act</i> , 1974 (No. 2), SA 1974, c 65, s 9 striking out s 24 of the <i>Judicature Act</i> , RSA 1970, c 193.
14 Minors' Contracts (January 1975)	
15* Validity of Rules of Court (December 1974)	<i>The Attorney General Statutes Amendment Act</i> , 1976 (No. 2), SA 1976, c 58, s 6(4) amending the <i>Judicature Act</i> (now RSA 2000, c J-2, s 63).
16* Rule in <i>Hollington v. Hewthorn</i> (February 1975)	<i>The Attorney General Statutes Amendment Act</i> , 1976, SA 1976, c 57, s 1 amending the <i>Alberta Evidence Act</i> (now RSA 2000, c A-18, s 26).

Final Reports	Enactment
17* Small Projects (June 1975)	<i>The Workers' Compensation Amendment Act</i> , 1976, SA 1976, c 55, s 2 (now <i>Workers' Compensation Act</i> , RSA 2000, c W-15, s 20); <i>The Attorney General Statutes Amendment Act</i> , 1976 (No. 2), SA 1976, c 58, s 3 repealed the <i>Bulk Sales Act</i> , RSA 1970, c 37.
18* Matrimonial Property (August 1975)	<i>Matrimonial Property Act</i> , SA 1978, c 22 (now RSA 2000, c M-8), enacting a combination of the majority and minority proposals for the distribution of matrimonial property, and an extension of the recommendations on possession of the matrimonial home.
19* Consent of Minors to Health Care (December 1975)	
20* Status of Children (June 1976)	Substantially enacted, pursuant to the recommendations in Report 60 by the <i>Family and Domestic Relations Statutes Amendment Act</i> , 1991, SA 1991, c 11 amending the <i>Domestic Relations Act</i> (now RSA 2000, c D-14, ss 50(1), 77-84); the <i>Family Relief Act</i> (now RSA 2000, c F-4, s 1(b)); and the <i>Intestate Succession Act</i> (now RSA 2000, c I-10, s 1(b)).
21* Purchase by a Company of Shares Which It Has Issued (January 1977)	<i>The Companies Amendment Act</i> , 1977, SA 1977, c 13, s 2 (now <i>Business Corporations Act</i> , RSA 2000, c B-9, ss 30 and 31).

Final Reports	Enactment
22* Residential Tenancies (February 1977)	<i>Landlord and Tenant Act</i> , 1979, SA 1979, c 17 (now <i>Residential Tenancies Act</i> , RSA 2000, c R-17), based in large part on our recommendations.
23* Partition and Sale (March 1977)	<i>Partition and Sale Act</i> , SA 1979, c 59 (now <i>Law of Property Act</i> , RSA 2000, c L-7, ss 14-19, 20-33).
24 <i>Survival of Actions and Fatal Accidents Act Amendment</i> (April 1977)	<i>Survival of Actions Act</i> , SA 1978, c 35 (now RSA 2000, c S-27; <i>Fatal Accidents Act</i> , RSA 2000, c F-8, ss 5(2)(a), (b), 8; and <i>Limitation of Actions Act</i> , RSA 2000, c L-12, s 53).
25 Family Law Administration: the Unified Family Court (April 1978)	
26 Family Law Administration: Court Services (April 1978)	Some recommendations carried out by administrative action.
27 Matrimonial Support (March 1978)	<i>The Domestic Relations Amendment Act</i> , 1977, SA 1977, c 64 (now <i>Maintenance Enforcement Act</i> , RSA 2000, c M-1), establishing a collection service for support orders which is generally consistent with though different in detail from our recommendations, and providing improved collection procedures which are similar to but in several particulars more stringent than our proposals); <i>The Social Development Amendment Act</i> , 1977 (No. 2), SA 1977, c 92 (now <i>Social Development Act</i> , RSA 2000, c S-12, ss .14, 15); <i>The Consumer and Corporate Affairs Statutes Amendment Act</i> , 1978, SA 1978, c 49, s 2 amending the <i>Debtors'</i>

Final Reports	Enactment
	<i>Assistance Act</i> (now RSA 2000, c D-6, ss 3(2), 3(3), 4(e)-(f), (6)). (Our proposals for change in the substantive law have not yet been implemented.)
28 Tenancies of Mobile Home Sites (April 1978)	<i>Mobile Home Sites Tenancies Act</i> , SA 1982, c M-18.5 (now RSA 2000, c M-20).
29 Family Relief (June 1978)	
30* The <i>Builders' Lien Act</i> : Certain Specific Problems (March 1979)	<i>Builders' Lien Amendment Act</i> , 1985, SA 1985, c 14 (now <i>Builders' Lien Act</i> , RSA 2000, c B-7).
31 Contributory Negligence and Concurrent Wrongdoers (April 1979)	
32 Guest Passenger Legislation (April 1979)	Proclamation 5 July 1979 of previously enacted <i>The Alberta Insurance Amendment Act</i> , 1977, SA 1977, c 76, s 6 (now <i>Insurance Act</i> , RSA 2000, c I-3, s 310) (This is not the principal recommendation of the Report). <i>Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act</i> , SA 1990, c 22, s 1 amending the <i>Highway Traffic Act</i> (now RSA 2000, c H-8).
33 Inter-Spousal Tort Immunity (April 1979)	<i>Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act</i> , SA 1990, c 22, s 2 amending the <i>Married Women's Act</i> (now RSA 2000, c M-6, s 2(3)) and s 3 amending the <i>Contributory Negligence Act</i> (now RSA 2000, c C-27).

Final Reports	Enactment
34* Service of Documents During Postal Interruptions (June 1979)	<i>The Service of Documents During Postal Interruptions Act</i> , SA 1980, c 88 (now <i>Judicature Act</i> , RSA 2000, c J-2, ss 43-47).
35* Defamation: Fair Comment and Letters to the Editor (October 1979)	<i>The Defamation Amendment Act</i> , 1980, SA 1980, c 11 (now <i>Defamation Act</i> , RSA 2000, c D-7, s 9).
36* Proposals for a New Alberta <i>Business Corporations Act</i> (August 1980), 2 vols.	<i>Business Corporations Act</i> , SA 1981, c B-15 (now RSA 2000, c B-9).
37A <i>The Uniform Evidence Act</i> 1981: A Basis for Uniform Evidence Legislation (June 1982)	
37B Evidence and Related Subjects: Specific Proposals for Alberta Legislation (June 1982)	
38 <i>The Uniform Sale of Goods Act</i> (October 1982)	
39 Defences to Provincial Charges (March 1984)	
40 Judicial Review of Administrative Action: Application for Judicial Review (March 1984)	<i>Court of Queen's Bench Amendment Act</i> , 1987, SA 1987, c 17 (now <i>Court of Queen's Bench Act</i> , RSA 2000, c C-31).
41 Compensation for Security Interests in Expropriated Land (May 1984)	
42 Debt Collection Practices (June 1984)	See generally, <i>Civil Enforcement Act</i> , SA 1994, c C-10.5 (now RSA 2000, c C-15).
43 Protection of Children's Interests in Custody Disputes (October 1984)	

Final Reports	Enactment
44 Statute of Frauds (June 1985)	
45* Status of Children: Revised Report, 1985 (November 1985)	Substantially enacted, pursuant to the recommendations in Report 60 by the <i>Family and Domestic Relations Statutes Amendment Act</i> , 1991, SA 1991, c 11 amending the <i>Domestic Relations Act</i> (now RSA 2000, c D-14, ss 50(1), 77-84); the <i>Family Relief Act</i> (now RSA 2000, c F-4, s 1(b)); and the <i>Intestate Succession Act</i> (now RSA 2000, c I-10, s 1(b)).
46* Trade Secrets (July 1986)	Draft statute adopted by Uniform Law Conference of Canada, Victoria, B.C., August 1987.
47 Survivorship (August 1986)	Reported to be in Alberta Justice's plan for transfer of property on death.
48 Matrimonial Property: Division of Pension Benefits Upon Marriage Breakdown (June 1986)	
49 Proposals for a New <i>Alberta Incorporated Associations Act</i> (March 1987)	Bill 54 (<i>Volunteer Incorporations Act</i>) introduced into Alberta Legislature, June 15, 1987.
50 Prejudgment Remedies for Unsecured Claimants (February 1988)	<i>Civil Enforcement Act</i> , SA 1994, c C-10.5 (now RSA 2000, c C-15).
51 Proposals for a New <i>Alberta Arbitration Act</i> (October 1988)	<i>Arbitration Act</i> , SA 1991, c A-43.1 (now RSA 2000, c A-43).
52 Competence and Human Reproduction (February 1989)	

Final Reports	Enactment
53 Towards Reform of the Law Relating to Cohabitation Outside Marriage (June 1989)	
54 Financial Assistance by a Corporation: Section 42, <i>The Business Corporations Act</i> (Alberta) (August 1989)	<i>Business Corporations Act</i> , SA 2000, c 10, s 2 (now RSA 2000, c B-9, s 45).
55 Limitations (December 1989)	<i>Limitations Act</i> , SA 1996, c L-15.1 (now RSA 2000, c L-12).
56 <i>The Bulk Sales Act</i> (January 1990)	<i>Miscellaneous Statutes Amendment Act</i> , 1992, SA 1992, c 21, s 5 (repealed the <i>Bulk Sales Act</i>).
57 Section 16 of the <i>Matrimonial Property Act</i> (March 1990)	<i>Miscellaneous Statutes Amendment Act</i> , 1991, SA 1991, c 21, s 24 amending the <i>Matrimonial Property Act</i> (now RSA 2000, c M-8, s 16).
58 Division of Canada Pension Plan Credits in Alberta (November 1990)	
59 Enduring Powers of Attorney (December 1990)	<i>Powers of Attorney Act</i> , SA 1991 c P-13.5 (now RSA 2000, c P-20).
60 Status of Children: Revised Report, 1991 (March 1991)	<i>Family and Domestic Relations Statutes Amendment Act</i> , 1991, SA 1991, c 11 amending the <i>Domestic Relations Act</i> (now RSA 2000, c D-14, ss 50(1), 77-84); the <i>Family Relief Act</i> (now RSA 2000, c F-4, s 1(b)); and the <i>Intestate Succession Act</i> (now RSA 2000, c I-10, s 1(b)).
61 Enforcement of Money Judgments, 2 Vols., (March 1991)	<i>Civil Enforcement Act</i> , SA 1994, c C-10.5 (now RSA 2000, c C-15).
62 Proposals for the Reform of the <i>Public Inquiries Act</i> (November 1992)	

	Final Reports	Enactment
63	Section 195 of the <i>Land Titles Act</i> (February 1993)	<i>Miscellaneous Statutes Amendment Act</i> , 1994, SA 1994, c 23, s 26 amending the <i>Land Titles Act</i> (now RSA 2000, c L-4, s 203).
64	Advance Directives and Substitute Decision-Making in Personal Health Care (March 1993) (<i>A Joint Report of the Alberta Law Reform Institute and the Health Law Institute</i>)	<i>Personal Directives Act</i> , SA 1996, c P-4.03 (now RSA 2000, c P-6).
65	The <i>Domestic Relations Act</i> (DRA) — Phase 1. Family Relationships: Obsolete Actions (March 1993)	
66	Non-Pecuniary Damages in Wrongful Death Actions— A Review of Section 8 of the <i>Fatal Accidents Act</i> (May 1993)	<i>Fatal Accidents Amendment Act</i> , 1994, SA 1994, c.16 (now RSA 2000, c F-8).
67	Transfers of Investment Securities (June 1993)	
68	Beneficiary Designations: RRSPs, RRIFs and Section 47 of the <i>Trustee Act</i> (September 1993)	<i>Miscellaneous Statutes Act</i> , 1994, SA 1994, c 23, s 46 amending the <i>Trustee Act</i> (now RSA 2000, c T-8, ss 8(b), 47(1)(c), 47(3), 47(4)).
69	Proposals for a <i>Land Recording and Registration Act</i> for Alberta, 2 Vols., (October 1993)	Principles adopted in the Metis Settlements Land Registry Regulation (AR 361/91).
70	Mortgage Remedies in Alberta (June 1994)	
71	The Presumption of Crown Immunity (July 1994)	

	Final Reports	Enactment
72	Effect of Divorce on Wills (November 1994)	Reported to be in Alberta Justice's plan for transfer of property on death.
73	Revision of the Surrogate Rules (Final Report) (May 1996)	The principal statutory amendments of Report for Discussion 10 anticipating the new rules were enacted in the <i>Miscellaneous Statutes Amendment Act</i> , 1992, c 21, s 47. The Rules and Forms were enacted by Alta. Reg. 130/95.
74	Protection Against Domestic Abuse (February 1997)	Protection Against <i>Family Violence Act</i> , SA 1998, c P-19.2 (now RSA 2000, c P-27).
75	"Last Clear Chance" Rule (August 1997)	<i>Justice Statutes Amendment Act</i> , 2000, SA 2000, c 20, s 72 amending the <i>Contributory Negligence Act</i> (now RSA 2000, c C-27, s 3).
76	Should a Claim for the Loss of a Chance of Future Earnings Survive Death? (December 1998)	<i>Justice Statutes Amendment Act</i> , 2002, c 17, s 8 amending the <i>Survival of Actions Act</i> (now RSA 2000, c S-27, s 5).
77	Limited Liability Partnerships (April 1999)	<i>Partnership Amendment Act</i> , SA 1999, c 27 (now RSA 2000, c P-3).
78	Reform of the <i>Intestate Succession Act</i> (June 1999)	Reported to be in Alberta Justice's plan for transfer of property on death.
79	Powers and Procedures for Administrative Tribunals in Alberta (December 1999)	
80	Trustee Investment Powers (February 2000)	<i>Trustee Amendment Act</i> , SA 2001, c 28.
81	Occupiers' Liability: Recreational Use of Land (February 2000)	

	Final Reports	Enactment
82	Cost of Credit Disclosure (February 2000)	<i>Insurance Act</i> , SA 1999, c I-5.1, s 855 and <i>Miscellaneous Statutes Amendment Act</i> , 1999, SA 1999, c 26, s 8 amending the <i>Fair Trading Act</i> (now RSA 2000, c F-2, Part 9, s 66 and 69).
83	Division of Matrimonial Property on Death (May 2000)	Reported to be in Alberta Justice's plan for transfer of property on death.
84	Wills: Non-Compliance with Formalities (June 2000)	Reported to be in Alberta Justice's plan for transfer of property on death.
85	Class Actions (December 2000)	<i>Class Proceedings Act</i> , SA 2003, c C-16.5
86	Non-Resident Trustees under the <i>Dependent Adults Act</i> (January 2002)	Recs not included in <i>Adult Guardianship and Trustee Act</i> , SA 2008, c A-4.2.
87	Report on a Succession Consolidation Statute (December 2002)	Reported to be in Alberta Justice's plan for transfer of property on death.
88	Enduring Powers of Attorney: Safeguards Against Abuse (February 2003)	
89	<i>Limitations Act</i> – Adverse Possession and Lasting Improvements (May 2003)	<i>Limitation Statutes Amendment Act</i> , SA 2007, c 22, s 1, amending the <i>Limitations Act</i> , RSA 2000, c L-12, s 3.
90	<i>Limitations Act</i> – Standardizing Limitation Periods for Actions on Insurance Contracts (August 2003)	<i>Justice Statutes Amendment Act</i> , SA 2002, c 17, amending the <i>Limitations Act</i> , RSA 2000, c L-12, s 7.
91	Exemption of Future Income Plans (May 2004)	<i>Civil Enforcement Amendment Act</i> , SA 2009, c 18 (in force 1 November 2010).

	Final Reports	Enactment
92	Exemption of Future Income Plans on Death (May 2004)	Reported to be in Alberta Justice's plan for transfer of property on death.
93	Family Law Project – The Conclusion (June 2004)	<i>Family Law Act</i> enacted as SA 2003, c F-4.5. Proclaimed November 2005.
94	Enforcement of Judgments (September 2008)	
95	Rules of Court Project (October 2008)	Alberta Rules of Court, Alta. Reg. 124/2010. <i>Rules of Court Statutes Amendment Act</i> , SA 2009, c 53 (in force 1 November 2010).
96	Creation of Wills (September 2009)	Reported to be in Alberta Justice's plan for transfer of property on death.
97	Contracts for the Sale and Purchase of Land: Purchasers' Remedies (October 2009)	

Reports for Discussion	Notes
1* Protection of Trade Secrets (February 1984)	
2* Matrimonial Property: Division of Pension Benefits upon Marriage Breakdown (May 1985)	
3* Remedies of Unsecured Creditors (May 1986)	
4 Limitations (September 1986)	
5 Financial Assistance by a Corporation: Section 42, The <i>Business Corporations Act</i> (Alberta) (August 1987)	
6 Sterilization Decisions: Minors and Mentally Incompetent Adults (March 1988)	
7 Enduring Powers of Attorney (February 1990)	
8 Towards a New Alberta <i>Land</i> <i>Titles Act</i> (August 1990)	
9 Mortgage Remedies in Alberta (April 1991)	
10 Revision of the Surrogate Rules (October 1991)	
11* Advance Directives and Substitute Decision—Making in Personal Health Care (November 1991)	
12 Non-Pecuniary Damages in Wrongful Death Actions — A Review of Section 8 of the <i>Fatal</i> <i>Accidents Act</i> (June 1992)	
13 Report on Liens (September 1992)	
14 The Matrimonial Home (March 1995)	

	Reports for Discussion	Notes
15*	Domestic Abuse: Toward an Effective Legal Response (June 1995)	
16	Reform of the <i>Intestate Succession Act</i> (January 1996)	
17	Division of Matrimonial Property on Death (March 1998)	
18	Family Law (October 1998)	
	18.1 Overview	
	18.2 Spousal Support	
	18.3 Child Support	
	18.4 Child Guardianship, Custody and Access	
19	Order of Application of Assets in Satisfaction of Debts and Liabilities (September 2001)	
20	The Creation of Wills (September 2007)	
21	Contracts for the Sale and Purchase of Land: Purchasers' Remedies (March 2009)	

	Issues Papers	Notes
1	Towards a New Arbitration Act for Alberta (July 1987)	
2	Towards Reform of the Law Relating to Cohabitation Outside Marriage (October 1987)	
3	Public Inquiries (November 1991)	
4	Limited Liability Partnerships and Other Hybrid Business Entities (March 1998)	
5	Enduring Powers of Attorney (February 2002)	

Discussion Papers

Notes

- 1 Civil Litigation: The Judicial
Mini-Trial (August 1993)

Research Papers	Notes
1* Rent Control; Security of Tenures (November 1975)	
2* Entry of Landlord; Locks and Security Devices (November 1975)	
3* Obligation to Repair; Security Deposits (November 1975)	
4* Termination Procedures; Failure of Tenants to Pay Rent; Overholding Tenants (November 1975)	
6* Resolution of Disputes; Landlord and Tenant (Advisory) Boards; Distress (November 1975)	
7* Contract or Property Law; Form and Delivery of Lease; Right to Assign or Sublet (November 1975)	
8* Mobile Homes (November 1975)	
9* Consent of Minors to Medical Treatment (May 1975)	
10 Illegitimacy (June 1974)	
11* Administration of Family Law: The Unified Family Court: Constitutional Opinions (May 1978)	
12* Statute of Frauds (March 1979)	
13 Matrimonial Support Failures: Reasons, Profiles and Perceptions of Individuals Involved (Canadian Institute for Research in the Behavioural and Social Sciences: March 1981)	

Research Papers	Notes
14 Conference Materials, International Invitational Conference on Matrimonial and Child Support, 27-30 May 1981 (October 1982)	
15 Survey of Adult Living Arrangements: A Technical Report (November 1984)	
16 The Operation of the Unsecured Creditors' Remedies System in Alberta (March 1986)	
17* Corporate Directors' Liability (February 1989)	
18 Report on Referees (February 1990)	The principal recommendation of Research Paper 18 was implemented by Alta. Reg. 308/91.
19 Dispute Resolution: A Directory of Methods, Projects and Resources (July 1990)	
20 Court-Connected Family Mediation Programs in Canada (May 1994)	
21 Recognition of Rights and Obligations in Same Sex Relationships (January 2002)	

Consultation Memoranda

- 1 Division Of Pension Benefits
Upon Marriage Breakdown
(September 1995)
- 2 Reasonable Accommodation In
The Workplace (November 1995)
- 3 Business Names Legislation
(December 1996)
- 4 Should a Claim for Loss of
Chance of Future Earnings
Survive Death? (August 1997)
- 5 Should a Claim for Punitive
Damages Survive Death?
(December 1998)
- 6 Powers and Procedures for
Administrative Agencies: Model
Code (April 1999)
- 7 Trustee Investment Powers
(September 1999)
- 8 Wills: Non-Compliance with
Formalities (December 1999)
- 9 Class Actions
(March 2000)
- 10 Standardizing Limitation Periods
for Actions on Insurance
Contracts (December 2001)
- 11 Creditor Access to Future Income
Plans (June 2002)
- 13 Powers and Procedures of
Administrative Tribunals
(September 2008)

Consultation Memoranda – Rules Project Series

- 12.1 Commencement of Proceedings
in Queen's Bench
(October 2002)
- 12.2 Document Discovery and
Examination for Discovery
(October 2002)
- 12.3 Expert Evidence and
"Independent" Medical
Examinations (February 2003)
- 12.4 Parties
(March 2003)
- 12.5 Management of Litigation
(March 2003)
- 12.6 Promoting Early Resolution of
Disputes by Settlement
(July 2003)
- 12.7 Discovery and Evidence Issues:
Commission Evidence,
Admissions, Pierringer
Agreements and Innovative
Procedures (July 2003)
- 12.8 Pleadings
(October 2003)
- 12.9 Joining Claims and Parties,
Including Third Party Claims,
Counterclaims, and
Representative Actions
(February 2004)
- 12.10 Motions and Orders
(July 2004)
- 12.11 Enforcement of Judgments and
Orders (August 2004)
- 12.12 Summary Disposition of Actions
(August 2004)
- 12.13 Judicial Review
(August 2004)

Consultation Memoranda – Rules Project Series

- 12.14 Miscellaneous Issues
(October 2004)
- 12.15 Non-Disclosure Order
Application Procedures in
Criminal Cases
(November 2004)
- 12.16 Trial and Evidence Rules – Parts
25 and 26 (November 2004)
- 12.17 Costs and Sanctions
(February 2005)
- 12.18 Self-Represented Litigants
(March 2005)
- 12.19 Charter Applications in Criminal
Cases (June 2006)
- 12.20 Criminal Jury Trials: Challenge
for Cause Procedures
(April 2007)
- 12.21 Civil Appeals
(April 2007)

Practice Manuals

Alberta Surrogate Forms

- Integration of rules and forms
- Comprehensive collection of forms
- Computer templates including completion instructions
- User notes

Arbitration Clauses Guide

- Checklists of procedural rules under the Act
- Discussion of sample clauses and agreements
- Complete set of procedural rules ready for adoption

(Manuals are available from the Legal Education Society of Alberta)

Other Publications

Renovating the Foundation: Proposals for a Model Land Recording and Registration Act for the Provinces and Territories of Canada (A report by the Joint Land Titles Committee — Alberta, British Columbia, Manitoba, The Council of Maritime Premiers, N.W.T., Ontario, Saskatchewan and Yukon) (July 1990)

Final Revisions. Renovating the Foundation: Proposals for a Model Land Recording and Registration Act for the Provinces and Territories of Canada. (A report by the Joint Land Titles Committee — Alberta, British Columbia, Manitoba, N.W.T., Ontario, Saskatchewan and Yukon) (March 1993)

The Self-Regulation of the Legal Profession in Canada and in England and Wales by W.H. Hurlburt. Co-published by: The Law Society of Alberta and the Alberta Law Reform Institute. (January 2000)

Enduring Powers of Attorney: Areas for Reform by the Western Canada Law Reform Agencies (2008)

Available on Our Website

<<http://www.law.ualberta.ca/alri>>

Torrens Elusive Title (1978)

Alberta Rules of Court Project – Issues Paper for the Legal Community
(October 2001)

Alberta Rules of Court Project – Public Consultation Paper and
Questionnaire

Alberta Justice - Alberta Family Law Reform 2002

Submission by the Alberta Law Reform Institute - March 28, 2002

Investment by Nonprofit Entities – Feasibility Study (May 2002)

Alberta Rules of Court Project – Public Consultation Report
(September 2002)

Alberta Rules of Court Project – Report on Legal Community
Consultation (September 2002)

Alberta Rules of Court Project – Family Law Issues Paper (October
2002)

Alberta Rules of Court Project – Judicial Review and Administrative
Law – Identified Issues (March 2003)

Alberta Rules of Court Project – Focus Group Report (April 2003)

Alberta Rules of Court Project – Interim Report (February 2004)

Non-Disclosure Order Application Procedures in Criminal Cases,
Report on Consultation Memorandum 12.15 (September 2005)

Matrimonial Property Legislation Valuation Dates, Background Paper
(November 2005)

Charter Applications in Criminal Cases, Report on Consultation
Memorandum 12.19 (February 2007)

Criminal Jury Trails: Challenge for Cause Procedures, Report on
Consultation Memorandum No. 12.20 (July 2009)

